

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4946

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## AN ACT

To establish the Midewin National Tallgrass Prairie in the  
State of Illinois, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the “Il-  
5       linois Land Conservation Act of 1994”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Transfer of management responsibilities and jurisdiction over the Arsenal.
- Sec. 4. Continuation of responsibility and liability of the Secretary of the Army for environmental cleanup.
- Sec. 5. Establishment of the Midewin National Tallgrass Prairie.
- Sec. 6. Disposal of certain real property at the Arsenal for a national veterans cemetery and a county landfill and to the Administrator of General Services.
- Sec. 7. Degree of environmental cleanup.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Administrator” means the Ad-  
 4 ministrator of the United States Environmental Pro-  
 5 tection Agency.

6 (2) The term “agricultural purposes” means  
 7 the use of land for row crops, pasture, hay, and  
 8 grazing.

9 (3) The term “Arsenal” means the Joliet Army  
 10 Ammunition Plant located in the State of Illinois.

11 (4) The acronym “CERCLA” means the Com-  
 12 prehensive Environmental Response, Compensation,  
 13 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

14 (5) The term “environmental law” means all  
 15 applicable Federal, State, and local laws, regula-  
 16 tions, and requirements related to protection of  
 17 human health, natural and cultural resources, or the  
 18 environment, including CERCLA, the Solid Waste  
 19 Disposal Act (42 U.S.C. 6901 et seq.), the Federal  
 20 Water Pollution Control Act (33 U.S.C. 1251 et

1 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),  
2 the Federal Insecticide, Fungicide, and Rodenticide  
3 Act (7 U.S.C. 136 et seq.), the Toxic Substances  
4 Control Act (15 U.S.C. 2601 et seq.), and the Safe  
5 Drinking Water Act (42 U.S.C. 300f et seq.).

6 (6) The term “hazardous substance” has the  
7 meaning given such term by section 101(14) of  
8 CERCLA (42 U.S.C. 9601(14)).

9 (7) The abbreviation “MNP” means the  
10 Midewin National Tallgrass Prairie established pur-  
11 suant to section 5 and managed as a part of the Na-  
12 tional Forest System.

13 (8) The term “national cemetery” means a  
14 cemetery established and operated as part of the Na-  
15 tional Cemetery System of the Department of Veter-  
16 ans Affairs and subject to the provisions of chapter  
17 24 of title 38, United States Code.

18 (9) The term “person” has the meaning given  
19 such term by section 101(21) of CERCLA (42  
20 U.S.C. 9601(21)).

21 (10) The term “pollutant or contaminant” has  
22 the meaning given such term by section 101(33) of  
23 CERCLA (42 U.S.C. 9601(33)).

1           (11) The term “release” has the meaning given  
2       such term by section 101(22) of CERCLA (42  
3       U.S.C. 9601(22))

4           (12) The term “response action” has the mean-  
5       ing given such term by section 101(25) of CERCLA  
6       (42 U.S.C. 9601(25)).

7   **SEC. 3. TRANSFER OF MANAGEMENT RESPONSIBILITIES**  
8                           **AND JURISDICTION OVER THE ARSENAL.**

9       (a) PRINCIPLES OF TRANSFER.—

10           (1) LAND USE PLAN.—The Congress ratifies in  
11       principle the proposals generally identified by the  
12       land use plan which was developed by the Joliet Ar-  
13       senal Citizen Planning Commission and unanimously  
14       approved on April 8, 1994.

15           (2) TRANSFER WITHOUT REIMBURSEMENT.—  
16       The area constituting the MNP shall be transferred,  
17       without reimbursement, to the Secretary of Agri-  
18       culture.

19           (3) MANAGEMENT OF MNP.—Management by  
20       the Secretary of Agriculture of those portions of the  
21       Arsenal transferred to the Secretary under this Act  
22       shall be in accordance with section 5 establishing the  
23       MNP.

24           (4) SECURITY MEASURES.—The Secretary of  
25       the Army, the Secretary of Agriculture, and the Sec-

1       retary of Veterans Affairs, shall each provide and  
2       maintain physical and other security measures on  
3       such portion of the Arsenal as is under the adminis-  
4       trative jurisdiction of such Secretary. Such security  
5       measures (which may include fences and natural  
6       barriers) shall include measures to prevent members  
7       of the public from gaining unauthorized access to  
8       such portions of the Arsenal as are under the ad-  
9       ministrative jurisdiction of such Secretary and that  
10      may endanger health or safety.

11           (5) COOPERATIVE AGREEMENTS.—The Sec-  
12      retary of the Army, the Secretary of Agriculture,  
13      and the Administrator are individually and collec-  
14      tively authorized to enter into cooperative agree-  
15      ments and memoranda of understanding among each  
16      other and with other affected Federal agencies,  
17      State and local governments, private organizations,  
18      and corporations to carry out the purposes for which  
19      the MNP is established.

20           (b) INTERIM ACTIVITIES OF THE SECRETARY OF AG-  
21      RICULTURE.—Prior to transfer and subject to such rea-  
22      sonable terms and conditions as the Secretary of the Army  
23      may prescribe, the Secretary of Agriculture may enter  
24      upon the Arsenal property for purposes related to plan-  
25      ning, resource inventory, fish and wildlife habitat manipu-

1 lation (which may include prescribed burning), and other  
2 such activities consistent with the purposes for which the  
3 MNP is established.

4 (c) PHASED TRANSFER OF JURISDICTION.—Jurisdic-  
5 tion over lands comprising the Arsenal shall be transferred  
6 as follows:

7 (1) INITIAL TRANSFER.—Within 6 months after  
8 the date of the enactment of this Act, the Secretary  
9 of the Army shall effect the transfer of those por-  
10 tions of the Arsenal property identified for transfer  
11 to the Secretary of Agriculture pursuant to sub-  
12 section (d) and to the Secretary of Veterans Affairs  
13 pursuant to section 6(a)(2). In the case of the Arse-  
14 nal property to be transferred to the Secretary of  
15 Agriculture, the Secretary of the Army shall transfer  
16 to the Secretary of Agriculture only those portions  
17 for which the Secretary of the Army and the Admin-  
18 istrator concur that no further action is required  
19 under any environmental law and which therefore  
20 have been eliminated from the areas to be further  
21 studied pursuant to the Defense Environmental Res-  
22 toration Program for the Arsenal. Within 4 months  
23 after the date of the enactment of this Act, the Sec-  
24 retary of the Army and the Administrator shall pro-  
25 vide to the Secretary of Agriculture all existing doc-

1       umentation supporting such finding and all existing  
2       information relating to the environmental conditions  
3       of the portions of the Arsenal to be transferred to  
4       the Secretary of Agriculture pursuant to this para-  
5       graph.

6               (2) ADDITIONAL TRANSFERS.—The Secretary  
7       of the Army shall transfer in accordance with section  
8       6(b) to the Secretary of Agriculture any portion of  
9       the property generally identified in subsection (d)  
10      and not transferred pursuant to paragraph (1) after  
11      the Secretary of the Army and the Administrator  
12      concur that no further action is required at that por-  
13      tion of property under any environmental law and  
14      that such portion is therefore eliminated from the  
15      areas to be further studied pursuant to the Defense  
16      Environmental Restoration Program for the Arsenal.  
17      At least 2 months before any transfer under this  
18      paragraph, the Secretary of the Army and the Ad-  
19      ministrator shall provide to the Secretary of Agri-  
20      culture all existing documentation supporting such  
21      finding and all existing information relating to the  
22      environmental conditions of the portion of the Arse-  
23      nal to be transferred. Transfer of jurisdiction pursu-  
24      ant to this paragraph may be accomplished on a  
25      parcel-by-parcel basis. This paragraph, paragraph

1 (1), and their requirements shall not in any way af-  
2 fect the responsibilities and liabilities of the Sec-  
3 retary of the Army specified in section 4.

4 (d) IDENTIFICATION OF PORTIONS FOR TRANSFER  
5 FOR MNP.—The lands to be transferred under subsection  
6 (c) shall be identified on a map or maps which shall be  
7 agreed to by the Secretary of the Army and the Secretary  
8 of Agriculture. Generally, the land to be transferred to the  
9 Secretary of Agriculture shall be all the real property and  
10 improvements comprising the Arsenal, except for lands  
11 and facilities described in subsection (e) or designated for  
12 disposal under section 6.

13 (e) PROPERTY USED FOR ENVIRONMENTAL CLEAN-  
14 UP.—

15 (1) RETENTION.—The Secretary of the Army  
16 shall retain jurisdiction, authority, and control over  
17 real property at the Arsenal to be used for—

18 (A) water treatment;

19 (B) the treatment, storage, or disposal of  
20 any hazardous substance, pollutant or contami-  
21 nant, hazardous material, or petroleum prod-  
22 ucts or their derivatives;

23 (C) other purposes related to any response  
24 action at the Arsenal; and



1 (D) other actions required at the Arsenal  
2 under any environmental law to remediate con-  
3 tamination or conditions of noncompliance with  
4 any environmental law.

5 (2) CONDITIONS.—The Secretary of the Army  
6 shall consult with the Secretary of Agriculture re-  
7 garding the identification and management of the  
8 real property retained under this subsection and en-  
9 sure that activities carried out on that property are  
10 consistent, to the extent practicable, with the pur-  
11 poses for which the MNP is established, as specified  
12 in subsection (c) of section 5, and with the other  
13 provisions of such section.

14 (3) PRIORITY OF RESPONSE ACTIONS.—In the  
15 case of any conflict between management of the  
16 property by the Secretary of Agriculture and any re-  
17 sponse action or other action required under envi-  
18 ronmental law to remediate petroleum products or  
19 their derivatives, the response action or other such  
20 action shall take priority.

21 (f) SURVEYS.—All costs of necessary surveys for the  
22 transfer of jurisdiction of properties among Federal agen-  
23 cies shall be shared equally by the Secretary of the Army  
24 and the Secretary of the department receiving the prop-  
25 erty. For lands transferred to a non-Federal agency pur-

1 suant to section 6, the Secretary of the Army shall pay  
2 the survey costs.

3 **SEC. 4. CONTINUATION OF RESPONSIBILITY AND LIABILITY**  
4 **OF THE SECRETARY OF THE ARMY FOR ENVI-**  
5 **RONMENTAL CLEANUP.**

6 (a) RESPONSIBILITY.—The liabilities and responsibil-  
7 ities of the Secretary of the Army under any environ-  
8 mental law shall not transfer under any circumstances to  
9 the Secretary of Agriculture as a result of the property  
10 transfers made under section 3 or section 6(b), or as a  
11 result of implementation of section 3(b). With respect to  
12 the real property at the Arsenal, the Secretary of the  
13 Army shall remain liable for and continue to carry out—

14 (1) all response actions required under  
15 CERCLA and other environmental law at or related  
16 to the property; and

17 (2) all actions required under any other envi-  
18 ronmental law to remediate petroleum products or  
19 their derivatives (including motor oil and aviation  
20 fuel).

21 (b) LIABILITY.—

22 (1) IN GENERAL.—Nothing in this Act shall be  
23 construed to effect, modify, amend, repeal, alter,  
24 limit or otherwise change, directly or indirectly, the  
25 responsibilities or liabilities under any applicable en-

1 vironmental law of any person (including the Sec-  
2 retary of Agriculture), except as provided in para-  
3 graph (3) with respect to the Secretary of Agri-  
4 culture.

5 (2) LIABILITY OF SECRETARY OF THE ARMY.—

6 The Secretary of the Army shall retain any obliga-  
7 tion or other liability at the Arsenal that the Sec-  
8 retary may have under CERCLA and other environ-  
9 mental laws. Following transfer of any portions of  
10 the Arsenal pursuant to this Act, the Secretary of  
11 the Army shall be accorded all easements and access  
12 to such property as may be reasonably required to  
13 carry out such obligation or satisfy such liability.

14 (3) SPECIAL RULES FOR SECRETARY OF AGRI-

15 CULTURE.—The Secretary of Agriculture shall not  
16 be responsible or liable under any environmental law  
17 for matters which are in any way related directly or  
18 indirectly to activities of the Secretary of the Army,  
19 or any party acting under the authority of the Sec-  
20 retary in connection with the Defense Environmental  
21 Restoration Program, at the Arsenal and which are  
22 for any of the following:

23 (A) Costs of response actions required  
24 under CERCLA at or related to the Arsenal.

1           (B) Costs, penalties, or fines related to  
2           noncompliance with any environmental law at  
3           or related to the Arsenal or related to the pres-  
4           ence, release, or threat of release of any hazard-  
5           ous substance, pollutant, contaminant, hazard-  
6           ous waste or hazardous material of any kind at  
7           or related to the Arsenal, including contamina-  
8           tion resulting from migration of hazardous sub-  
9           stances, pollutants, contaminants, hazardous  
10          materials, or petroleum products or their de-  
11          rivatives disposed during activities of the De-  
12          partment of the Army.

13           (C) Costs of actions necessary to remedy  
14          such noncompliance or other problem specified  
15          in paragraph (B).

16          (c) PAYMENT OF RESPONSE ACTION COSTS.—Any  
17          Federal department or agency that had or has operations  
18          at the Arsenal resulting in the release or threatened re-  
19          lease of hazardous substances, pollutants, or contaminants  
20          shall pay the cost of related response actions or related  
21          actions under other statutes to remediate petroleum prod-  
22          ucts or their derivatives, including motor oil and aviation  
23          fuel.

24          (d) CONSULTATION.—The Secretary of Agriculture  
25          shall consult with the Secretary of the Army with respect

1 to the Secretary of Agriculture's management of real prop-  
2 erty included in the MNP subject to any response action  
3 or other action at the Arsenal being carried out by or  
4 under the authority of the Secretary of the Army under  
5 any environmental law. The Secretary of Agriculture shall  
6 consult with the Secretary of the Army prior to undertak-  
7 ing any activities on the MNP that may disturb the prop-  
8 erty to ensure that such activities will not exacerbate con-  
9 tamination problems or interfere with performance by the  
10 Secretary of the Army of response actions at the property.  
11 In carrying out response actions at the Arsenal, the Sec-  
12 retary of the Army shall consult with the Secretary of Ag-  
13 riculture to ensure that such actions are carried out in  
14 a manner consistent with the purposes for which the MNP  
15 is established, as specified in subsection (c) of section 5,  
16 and the other provisions of such section.

17 **SEC. 5. ESTABLISHMENT OF THE MIDEWIN NATIONAL**  
18 **TALLGRASS PRAIRIE.**

19 (a) ESTABLISHMENT.—On the effective date of the  
20 initial transfer of jurisdiction of portions of the Arsenal  
21 to the Secretary of Agriculture under section 3(c)(1), the  
22 Secretary of Agriculture shall establish the Midewin Na-  
23 tional Tallgrass Prairie, which shall—

24 (1) be administered by the Secretary of Agri-  
25 culture; and

1           (2) consist of the real property so transferred  
2           and such other portions of the Arsenal subsequently  
3           transferred under section 3(c)(2).

4           (b) ADMINISTRATION.—

5           (1) IN GENERAL.—The Secretary of Agriculture  
6           shall manage the MNP as a part of the National  
7           Forest System in accordance with this Act and the  
8           laws, rules and regulations pertaining to the Na-  
9           tional Forests, except that the Bankhead-Jones  
10          Farm Tenant Act of 1937 (7 U.S.C. 1010–1012)  
11          shall not apply to the MNP.

12          (2) LAND ACQUISITION FUNDS.—Notwithstand-  
13          ing section 7 of the Land and Water Conservation  
14          Fund Act of 1965 (16 U.S.C. 460l–9), monies ap-  
15          propriated from the Land and Water Conservation  
16          Fund established under section 2 of such Act (16  
17          U.S.C. 460l–5) shall be available for acquisition of  
18          lands and interests in land for inclusion in the  
19          MNP.

20          (3) ACQUISITION OF PRIVATE LANDS.—Acquisi-  
21          tion of private lands for inclusion in the MNP shall  
22          be on a willing seller basis only.

23          (4) INITIAL MANAGEMENT ACTIVITIES.—In  
24          order to expedite the administration and public use  
25          of the MNP, the Secretary of Agriculture may con-

1       duct management activities at the MNP to effec-  
2       tuate the purposes for which the MNP is estab-  
3       lished, as set forth in subsection (c), in advance of  
4       the development of a land and resource management  
5       plan for the MNP.

6           (5) LAND AND RESOURCE MANAGEMENT  
7       PLAN.—In developing a land and resource manage-  
8       ment plan for the MNP, the Secretary of Agri-  
9       culture shall consult with the Illinois Department of  
10      Conservation and local governments adjacent to the  
11      MNP and provide an opportunity for public com-  
12      ment. Any parcel transferred to the Secretary of Ag-  
13      riculture under this Act after the development of a  
14      land and resource management plan for the MNP  
15      may be managed in accordance with such plan with-  
16      out need for an amendment to the plan.

17      (c) PURPOSES OF THE MIDWIN NATIONAL  
18      TALLGRASS PRAIRIE.—The MNP is established to be  
19      managed for National Forest purposes, including the fol-  
20      lowing:

21           (1) To conserve and enhance populations and  
22      habitats of fish, wildlife, and plants, including popu-  
23      lations of grassland birds, raptors, passerines, and  
24      marsh and water birds.

1           (2) To restore and enhance, where practicable,  
2           habitat for species listed as proposed, threatened or  
3           endangered under the Endangered Species Act of  
4           1973 (16 U.S.C. 1531 et seq.).

5           (3) To provide fish and wildlife oriented public  
6           uses at levels compatible with the conservation, en-  
7           hancement and restoration of native wildlife and  
8           plants and their habitats.

9           (4) To provide opportunities for scientific re-  
10          search.

11          (5) To provide opportunities for environmental  
12          and land use education.

13          (6) To manage the land and water resources of  
14          the MNP in a manner that will conserve and en-  
15          hance the natural diversity of native fish, wildlife,  
16          and plants.

17          (7) To conserve and enhance the quality of  
18          aquatic habitat.

19          (8) To provide for public recreation insofar as  
20          such recreation is compatible with the other pur-  
21          poses for which the MNP is established.

22          (d) PROHIBITION AGAINST THE CONSTRUCTION OF  
23          NEW THROUGH ROADS.—No new construction of any  
24          highway, public road, or any part of the interstate system,  
25          whether Federal, State, or local, shall be permitted



1 through or across any portion of the MNP. Nothing herein  
2 shall preclude construction and maintenance of roads for  
3 use within the MNP, or the granting of authorizations for  
4 utility rights-of-way under applicable Federal law, or pre-  
5 clude such access as is necessary. Nothing herein shall  
6 preclude necessary access by the Secretary of the Army  
7 for purposes of restoration and cleanup as provided in this  
8 Act.

9 (e) AGRICULTURAL LEASES AND SPECIAL USE AU-  
10 THORIZATIONS.—Within the MNP, use of the lands for  
11 agricultural purposes shall be permitted subject to the fol-  
12 lowing terms and conditions:

13 (1) If at the time of transfer of jurisdiction  
14 under section 3 there exists any lease issued by the  
15 Department of the Army, Department of Defense, or  
16 any other agency thereof, for agricultural purposes  
17 upon the parcel transferred, the Secretary of Agri-  
18 culture, upon transfer of jurisdiction, shall convert  
19 the lease to a special use authorization, the terms of  
20 which shall be identical in substance to the lease  
21 that existed prior to the transfer, including the expi-  
22 ration date and any payments owed the United  
23 States.

24 (2) The Secretary of Agriculture may issue spe-  
25 cial use authorizations to persons for use of the

1 MNP for agricultural purposes. Such special use au-  
2 thorizations shall require payment of a rental fee, in  
3 advance, that is based on the fair market value of  
4 the use allowed. Fair market value shall be deter-  
5 mined by appraisal or a competitive bidding process.  
6 Special use authorizations issued pursuant to this  
7 paragraph shall include terms and conditions as the  
8 Secretary of Agriculture may deem appropriate.

9 (3) No agricultural special use authorization  
10 shall be issued for agricultural purposes which has  
11 a term extending beyond the date twenty years from  
12 the date of enactment of this Act, except that noth-  
13 ing in this Act shall preclude the Secretary from is-  
14 suing agricultural special use authorizations or graz-  
15 ing permits which are effective after twenty years  
16 from the date of enactment of this Act for purposes  
17 primarily related to erosion control, provision for  
18 food and habitat for fish and wildlife, or other re-  
19 source management activities consistent with the  
20 purposes of the MNP.

21 (f) TREATMENT OF RENTAL FEES.—Monies received  
22 pursuant to subsection (e) shall be subject to distribution  
23 to the State of Illinois and affected counties pursuant to  
24 the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C.  
25 500). All monies not so distributed pursuant to such Acts

1 shall be covered into the Treasury and shall constitute a  
2 special fund, which is hereby appropriated and made avail-  
3 able until expended, to cover the cost to the United States  
4 of such prairie-improvement work as the Secretary of Ag-  
5 riculture may direct. Any portion of any deposit made to  
6 the fund which the Secretary of Agriculture determines  
7 to be in excess of the cost of doing such work shall be  
8 transferred, upon such determination, to miscellaneous re-  
9 cepts, Forest Service Fund, as a National Forest receipt  
10 of the fiscal year in which such transfer is made.

11 (g) USER FEES.—The Secretary is authorized to  
12 charge reasonable fees for the admission, occupancy, and  
13 use of the MNP and may prescribe a fee schedule provid-  
14 ing for reduced or a waiver of fees for persons or groups  
15 engaged in authorized activities including those providing  
16 volunteer services, research, or education. The Secretary  
17 shall permit admission, occupancy, and use at no addi-  
18 tional charge for persons possessing a valid Golden Eagle  
19 Passport or Golden Age Passport.

20 (h) SALVAGE OF IMPROVEMENTS.—The Secretary of  
21 Agriculture may sell for salvage value any facilities and  
22 improvements which have been transferred to the Sec-  
23 retary of Agriculture pursuant to this Act.

24 (i) TREATMENT OF USER FEES AND SALVAGE RE-  
25 CEIPTS.—Monies collected pursuant to subsections (g) and

1 (h) shall be covered into the Treasury and constitute a  
2 special fund to be known as the Midewin National  
3 Tallgrass Prairie Restoration Fund (“Fund”). Deposits in  
4 this fund shall be available, subject to appropriation, until  
5 expended for use for restoration and administration of the  
6 MNP, including construction of a visitor and education  
7 center, restoration of ecosystems, construction of rec-  
8 reational facilities (such as trails), construction of admin-  
9 istrative offices, and operation and maintenance of the  
10 MNP.

11 (j) COOPERATION WITH STATES, LOCAL GOVERN-  
12 MENTS AND OTHER ENTITIES.—In the management of  
13 the MNP, the Secretary is authorized and encouraged to  
14 cooperate with appropriate Federal, State and local gov-  
15 ernmental agencies, private organizations and corpora-  
16 tions. Such cooperation may include cooperative agree-  
17 ments as well as the exercise of the existing authorities  
18 of the Secretary under the Cooperative Forestry Assist-  
19 ance Act of 1978 and the Forest and Rangeland Renew-  
20 able Resources Research Act of 1978. The objects of such  
21 cooperation may include public education, land and re-  
22 source protection, and cooperative management among  
23 government, corporate and private landowners in a man-  
24 ner which furthers the purposes of this Act.

1 **SEC. 6. DISPOSAL OF CERTAIN REAL PROPERTY AT THE**  
2 **ARSENAL FOR A NATIONAL VETERANS CEME-**  
3 **TERY AND A COUNTY LANDFILL AND TO THE**  
4 **ADMINISTRATOR OF GENERAL SERVICES.**

5 (a) PROPERTY DESIGNATED FOR DISPOSAL UNDER  
6 THIS SECTION.—The following areas of real property at  
7 the Arsenal are designated for disposal under this section:

8 (1) An area of real property consisting of ap-  
9 proximately 425 acres, the approximate legal de-  
10 scription of which includes part of sections 8 and 17,  
11 Florence Township, T33N R10E, Will County, Illi-  
12 nois, as depicted in the Arsenal Land Use Concept  
13 to be conveyed to the County of Will, without com-  
14 pensation, to be operated as a landfill by the Coun-  
15 ty: *Provided*, That such additional acreage shall be  
16 added to the landfill as is necessary to reasonably  
17 accommodate needs for the disposal of refuse and  
18 other materials from the restoration and cleanup of  
19 only the Arsenal property as provided for in this  
20 Act: *Provided further*, That the use of this additional  
21 acreage by any agency of the Federal Government or  
22 its agents or assigns shall be at no cost to the Fed-  
23 eral Government. The Secretary of the Army may  
24 require such additional terms and conditions in con-  
25 nection with the conveyance under this paragraph as

1 the Secretary considers appropriate to protect the  
2 interests of the United States.

3 (2) An area of real property consisting of ap-  
4 proximately 910 acres, the approximate legal de-  
5 scription of which includes part of sections 30 and  
6 31 Jackson Township, T34N R10E, and including  
7 part of sections 25 and 36 Channahon Township,  
8 T34N R9E, Will County, Illinois, as depicted in the  
9 Arsenal Land Use Concept to be transferred without  
10 reimbursement to the Department of Veterans.

11 (3) The following areas are designated for dis-  
12 posal pursuant to subsection (b): Manufacturing  
13 Area—Study Area 1—Southern Ash Pile, Study  
14 Area 2—Explosive Burning Ground, Study Area 3—  
15 Flashing Grounds, Study Area 4—Lead Azide Area,  
16 Study Area 10—Toluene Tank Farms, Study Area  
17 11—Landfill, Study Area 12—Sellite Manufacturing  
18 Area, Study Area 14—Former Pond Area, Study  
19 Area 15—Sewage Treatment Plant. Load Assemble  
20 Packing Area—Group 61: Study Area L1, Explosive  
21 Burning Ground: Study Area L2, Demolition Area:  
22 Study Area L3, Landfill Area: Study Area L4, Sal-  
23 vage Yard: Study Area L5, Group 1: Study Area  
24 L7, Group 2: Study Area L8, Group 3: Study Area  
25 L9, Group 3A: Study Area L10, Doyle Lake: Study

1 Area L12, Group 68: Study Area L13, Group 4:  
2 Study Area L14, Group 5: Study Area L15, Group  
3 8: Study Area L18, Group 9: Study Area L19,  
4 Group 20, Study Area L20, Group 25: Study Area  
5 L22, Group 27: Study Area L23, Group 62: Study  
6 Area L25, Group 64: Study Area L27, Group 65:  
7 Study Area L28, Extraction Pits: Study Area L31,  
8 PVC Area: Study Area L33, Former Burning Area:  
9 Study Area L34, Fill Area: Study Area L35, includ-  
10 ing all associated inventoried buildings and struc-  
11 tures as identified in the Joliet Army Ammunition  
12 Plant Plantwide Building and Structures Report and  
13 the contaminate study sites for both the Manufac-  
14 turing and Load Assembly and Packing sides of the  
15 Joliet Arsenal as delineated in the Dames and  
16 Moore Final Report, Phase 2 Remedial Investigation  
17 Manufacturing (MFG) Area Joliet Army Ammuni-  
18 tion Plant Joliet, Illinois (May 30, 1993. Contract  
19 No. DAAA15-90-D-0015 task order No. 6 pre-  
20 pared for: United States Army Environmental Cen-  
21 ter); and excepting the national cemetery and land-  
22 fill described in paragraphs (1) and (2).

23 (b) INITIAL OFFER TO SECRETARY OF AGRI-  
24 CULTURE.—Within 6 months after the construction and  
25 installation of any remedial design approved by the Ad-

1   ministrator and required for any lands described in sub-  
2   section (a)(3), the Administrator shall provide to the Sec-  
3   retary of Agriculture all existing information regarding  
4   the implementation of such remedy, including information  
5   regarding its effectiveness. Within 3 months after the Ad-  
6   ministrator provides such information to the Secretary of  
7   Agriculture, the Secretary of the Army shall offer the Sec-  
8   retary of Agriculture the option of accepting a transfer  
9   of the areas described in subsection (a)(3), without reim-  
10   bursement, to be added to the MNP and subject to the  
11   terms and conditions, including the limitations on liability,  
12   contained in this Act. In the event the Secretary of Agri-  
13   culture declines such offer, the property may be disposed  
14   of as the Army would ordinarily dispose of such property  
15   under applicable provisions of law. Any sale or other trans-  
16   fer of property conducted pursuant to this subsection may  
17   be accomplished on a parcel-by-parcel basis.

18   **SEC. 7. DEGREE OF ENVIRONMENTAL CLEANUP.**

19       (a) IN GENERAL.—Nothing in this Act shall be con-  
20   strued to restrict or lessen the degree of cleanup at the  
21   Arsenal required to be carried out under provisions of any  
22   environmental law.

23       (b) RESPONSE ACTION.—The establishment of the  
24   MNP shall not restrict or lessen in any way response ac-  
25   tion or degree of cleanup under CERCLA or other envi-



1 ronmental law, or any response action required under any  
2 environmental law to remediate petroleum products or  
3 their derivatives (including motor oil and aviation fuel),  
4 required to be carried out under the authority of the Sec-  
5 retary of the Army at the Arsenal and surrounding areas.

6 (c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any  
7 contract for sale, deed, or other transfer of real property  
8 under section 6 shall be carried out in compliance with  
9 all applicable provisions of section 120(h) of the CERCLA  
10 and other environmental laws.

Passed the House of Representatives October 7,  
1994.

Attest:

*Clerk.*

103D CONGRESS  
2D SESSION

**H. R. 4946**

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**AN ACT**

To establish the Midewin National Tallgrass Prairie  
in the State of Illinois, and for other purposes.